

Before the
Federal Communications Commission
Washington, D.C. 20554

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MAY 14 1996

In the Matter of)
Implementation of Sections of the)
Cable Television Consumer Protection) and Competition Act of 1992;
Rate Regulation)

MM Docket No.-92-266

CS Docket No. 96-60

Leased Commercial Access)

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To: The Commission - Mail Stop 1170

COMMENTS OF THE VACATION CHANNEL, INC.

These Comments are filed by The Vacation Channel, Inc. in response to the Commission's "Further Notice of Proposed Rulemaking" in this proceeding, FCC 96-122, released March 19, 1996. We are the operator of low power television station K31DV in Branson, Missouri.

Communities deserve the right to served by our Low Power Television industry. But the way things are right now, the local cable operator is the position of deciding whether or not a local television station, which serves the local community, can be seen by cable subscribers. In essence, the local cable operator has become a "gatekeeper".

Many cable companies have taken the position that they don't care what the community's programming needs are. Their position has become totally revenue oriented; how much money can they get out of a Low Power Operator to lease a channel.

The Vacation Channel, Inc. is based in Branson, Missouri, and broadcasts on channel 31. We are carried by three of the four area cable companies. Two area cable companies, Friendship Cable and Rapid Cable, carry us at no charge, and are very good to work with. Cablevision, Inc. refuses to carry us at any charge. Rural Missouri Cable TV (RMCTV), which serves Branson and Hollister Missouri, charges us 17.5% of our total gross revenue.

100% of our programming is local, and includes weather forecasts, and a look at our own color radar at least four times per hour. We air local news updates at least three times per day, and we air much more than the minimum requirement of children's programming. Our product is very high quality, and our community is thrilled with what we do.

The Branson Chamber of Commerce awarded us the distinguished honor of "Promoter of the Year" for Branson in 1995. And our sales manager earned the honor of being "Volunteer of the Year." This clearly shows that we are a meaningful asset to our community.

In 1995, The Vacation Channel, Inc. paid Rural Missouri Cable TV (RMCTV), in Branson, Missouri, \$115,596.96. RMCTV has 5,731 home and 15,629 hotel/motel room subscribers.

In short:

<u>Cable Company</u>	<u>Total subs</u>	<u>p/sub p/month</u>	<u>p/sub p/year</u>
RMCTV			
<i>\$115,596.96</i>	<i>21,360</i>	<i>\$.45</i>	<i>\$5.41</i>

I propose that the Federal Communications Commission order:

A) All cable companies charge Low Power Broadcasters that meet or exceed the current requirements of "Must Carry", charge no more than \$.10 per subscriber, per month, for the lease of a channel (24 hours per day, one month minimum term).

This is a fair price to cable companies and Low Power Broadcasters. It is much more simple than some of the proposed legislation currently before the FCC, and would be very simple to enforce.

B) Cable Operators should not be obligated to offer part-time leases. These leases pose an inappropriate burden on cable operators. The goal of leased channel space should be to serve the needs of your community as a whole, not the needs of a few individuals of that community. This makes the situation much better for cable companies.

If local interests feel strong about airing a particular program, they can make arrangements with a local Low Power Broadcaster. LPTV operators are already regulated heavily to make sure that programming of local interest is aired.

C) Cable Operators of any size or channel capacity should be obligated to offer a leased channel to every licensed Television Broadcaster that provides at least a -45dbm signal over the cable operator's headend, be carried on the basic tier, and not be allowed to change the channel position without the Leasees permission, or until Leasee willingly releases the lease of the channel.

D) Cable Operators should be obligated to implement these new rules immediately.

Cable Operators are in the business of re-transmitting over-the-air signals to their subscribers. They shouldn't be put in the unfair position of picking and choosing what local programming gets included on their system. For many years local broadcasters have done an excellent job of providing programming that addresses the needs of local communities. There is no reason to change this successful policy.

Our future depends on legislative action that takes the fate of community broadcasters out of the hands of cable operators. We will not have the ability to grow and do more for the people in our communities that we serve if the cable companies are allowed to continue

charging such high fees. The cable industry should have the same obligation as broadcasters do - serve your community of license; or be mandated to enable broadcasters to continue doing the job.

The FCC was created to make sure that the population of The United States was served in the best way possible by communication companies. Cable companies are in the communications business, but many have clearly shown that they don't have the best interest of their community at heart.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Scott Earls".

Scott Earls
General Manager,
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March 9, 1996